

Sussex County Agriculture Development Board

Right to Farm Resolution

Certifying Commercial Farm Operation and Recommending Site Specific  
Agriculture Management Practice for  
JMM Realty Holding LLC, Green Township

Dated: May 16, 2011

WHEREAS, pursuant to the Right to Farm Act, N.J.S.A. 4:1C-1 et seq. and the State Agriculture Development Committee regulations, N.J.A.C. 2:76-2.3, a commercial farm owner or operator may make a request to the County Agriculture Development Board (hereinafter "CADB" or "Board") to determine if his or her operation constitutes a generally accepted management practice; and

WHEREAS, on November 23, 2010, a request was made by JMM Realty Holding LLC requesting designation as a commercial farm under the Right to Farm definition for Block 31, Lot 1.01 in Green Township, Sussex County; and

WHEREAS, the Board reviewed all documentation submitted for their December 20<sup>th</sup>, 2010 meeting and found that this operation met the requirements of a commercial farm as per the Right to Farm Act; and

WHEREAS, on January 14, 2011 additional information was received by the Board from the State Agriculture Development Committee explaining that additional financial documentation would be required for this type of equine operation to meet the \$2,500 production threshold; and

WHEREAS, the Board reviewed this with the applicant who provided the necessary documentation to satisfy the Right to Farm Act equine protocols and a second resolution was done by the Board on February 22, 2011 memorializing this; and

WHEREAS, JMM Realty Holding LLC then made the request for a SSAMP for certain equine practices desired for this farm parcel; and

WHEREAS, a public hearing was noticed to take place at the March 21, 2011 SCADB meeting which hearing was subsequently postponed that day when the applicant, upon suggestion by special Sussex County Counsel Michael Lavery, agreed to provide notice to property owners within 200 feet of subject property of requested SSAMP, and

WHEREAS, prior to the April 26, 2011 SCADB meeting, the majority of the issues to be discussed were subsequently resolved between the landowner and the Township of Green at a meeting that took place in Green Township on April 7, 2011 as evidenced by a letter dated April 18, 2011 from Lyn Aaroe, Esquire, Green Township to special County Counsel Michael Lavery; and

WHEREAS, the remaining discussion during the SCADB public hearing on April 26, 2011, pertained to the number of horses stabled on subject property. Mr. and Mrs. Messler, owners of subject property, provided testimony stating that their only current request to the SCADB was to determine the number of horses allowable within the current structure; and

WHEREAS, the Board and Rutgers Cooperative Extension personnel discussed the number of horses, the feeding protocols for said horses, pasture description and manure managements issues.

NOW, THEREFORE BE IT RESOLVED that based on information provided by Mr. and Mrs. Messler and various documentation provided by Green Township including their previously approved Use Variance for subject property (dated January 4, 2007), the Board finds as follows:

1. JMM Realty Holding LLC has a current stable that has boarded and maintained 18 horses as cited in Mr. Aaroe's (attorney for Green Township) letter of April 18, 2011 to special Sussex County Counsel Michael Lavery.
2. JMM Realty Holding LLC cites that a manure management plan has been prepared for the existing operation. The Board states that proper agriculture management practices must be followed as per the manure management plan.
3. The horses on this property are being dry fed rather than pasture fed. This would still equate to approximately one horse per 8/10 of an acre; and

BE IT FURTHER RESOLVED, that the provisions cited in the April 18, 2011 letter by Green Township attorney Lyn Aaroe, regarding the proposed riding ring (plus exhibits 1 and 2 providing an illustration of proposed ring and location on survey map) become part of this resolution which includes the following:

1. This facility will be used exclusively for the riding, training, exercising, etc. of horses in inclement weather.
2. There will be no shows, exhibitions or invitations of the general public to the facility.
3. There will be no outdoor activities.
4. There will be no night activities.
5. Although the arena will be lighted, it will not be heated nor will any sanitary facilities be provided thereto.
6. There will be no indoor seating established; and

BE IT FURTHER RESOLVED, that the Board agrees, that as long as all of the above provisions are met, the amount of 18 horses (but not to exceed 18 horses) can be appropriately stabled on subject premises; and

BE IT FURTHER RESOLVED that the Board shall forward a copy of this resolution as its' written recommendation of this site specific agriculture management practice to the State Agriculture Development Committee, the Township of Green and JMM Realty Holding LLC within 30 days.

Certified as a true copy of the  
Resolution adopted by the Sussex County  
Agriculture Development Board  
On the 16<sup>th</sup> day of May 2011

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Jane Brodhecker, Chairperson  
Sussex County Agriculture Development Board